

Public Health Department

Environmental Health

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August 10, 2018

Butte Creek Mobile Home Park
Attn: Jean Artigue
2321 Honey Run Rd.
Chico, CA 95928

Citation No. 21_34_18R_001_0400049_01

**RE: Butte Creek Mobile Home Park, Public Water System No. 0400049
Arsenic Maximum Contaminant Level Exceedance in Four Consecutive
Quarters in Well #6**

Enclosed is a citation issued to the Butte Creek Mobile Home Park (Water System). The citation is being issued because the Water System failed to achieve the drinking water standard for arsenic during four consecutive quarters in well #6. Please read this citation carefully and complete all directives. Public notification is required to inform consumers that the standard was not achieved during this time period.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call me at 530.538.5327

Sincerely,

Amanda Aguiar, REHS

Enclosures

CC: Jean Artigue system manager; Culligan of Chico, Certified Operator; Reese Crenshaw, Valley District Engineer- SWRCB Division of Drinking Water

Certified Mail No. 7014 2870 0000 8349 5110

**BUTTE COUNTY PUBLIC HEALTH
ENVIRONMENTAL HEALTH DIVISION**

TO: Butte Creek Mobile Home Park
2321 Honey Run Rd.
Chico CA, 95928

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH THE ARSENIC MAXIMUM
CONTAMINANT LEVEL**

COMPLIANCE ORDER NO. 21_34_18R_001_0400049_01

**Butte Creek Mobile Home Park
Public Water System #. 0400049
Issued: August 10, 2018**

Section 116655 of Chapter 4 of Part 12 of Division 104 of the California Health and Safety Code (H&S Code) authorizes the issuance of a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act or any regulation, standard, permit, or order issued thereunder.

Butte County Environmental Health (hereinafter "Department"), acting through its the Delegation Agreement with State Water Resource Control Board, Division of Drinking water, hereby issues this compliance order (hereinafter "Order") pursuant to Section 116655 of the California Health and Safety Code (hereinafter "CHSC") to

Butte Creek Mobile Home Park for violation of CHSC section 116555(a)(1,3) and title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

See Attachment A for applicable authorities.

STATEMENT OF FACTS

The Butte Creek Mobile Home Park water system (hereinafter, "System") is classified as a community water system located in Butte County that supplies water for domestic purposes to approximately 70 persons with a total of 32 service connections. The Water System consists of two active wells, Well #5 and Well #6.

The average arsenic concentration at Well #6, based upon four consecutive quarterly samples completed between October 11, 2017 and July 11, 2018 exceeds the arsenic maximum contaminant level (MCL) of 10.0 micrograms per liter (ug/l).

The four quarterly samples collected from Well #6, analyzed by a State certified laboratory for Arsenic are as follows:

Fourth Calendar Quarter 2012	7.0 ug/l
First Calendar Quarter 2013	12.0 ug/l
Second Calendar Quarter 2013	7.2 ug/l
Third Calendar Quarter 2012	23.8 ug/l
Running Annual Average	12.5 ug/l

DETERMINATIONS

Based on the above Statement of Facts, The Department has determined that the System is in violation of Section 116555(a)(1,3) of the CHSC, and Section 64431, Title 22, of the CCR, in that the System is not in compliance with the primary

drinking water standard by exceeding the arsenic MCL, and thus cannot provide a reliable and adequate supply of pure, wholesome, healthful, and potable water.

DIRECTIVES

This compliance order includes the following directives for the System:

1. The Water System shall submit a Progress Report to the Department no later than September 28, 2018, that describes the action the Water System will take to achieve compliance with the maximum contaminant level for arsenic of 10 ug/l and the minimum water pressure requirements. The Progress Report must present and discuss alternatives that were considered along with an analysis of costs and financial impacts. A schedule for achieving compliance must be provided in the Progress Report and shall not exceed three years.
2. Continue to collect quarterly samples from the well for arsenic analysis. The analytical results shall be reported to the Department no later than the 10th day following the month in which the samples were analyzed.
3. Provide quarterly public notification of the Water System's failure to comply with the Arsenic MCL. Public notification shall continue as long as the arsenic MCL is violated or until the Water System provides water that meets all applicable drinking water standards. The notification format is provided in Attachment B. Proof of public notification shall be provided to the Department following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment C.

1 All submittals required by this Order shall be addressed to:

2
3 Butte County Environmental Health

4 Attn: Amanda Aguiar

5 202 Mira Loma Dr.

6 Oroville, CA 95965

7 (530) 538-5339 (fax)

8
9 Nothing in this Order relieves the System of its obligation to meet the requirements
10 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
11 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
12 thereunder.

13 The Department reserves the right to make such modifications to this Order, as it
14 may deem necessary to protect public health and safety. Such modifications may be
15 issued as amendments to this Order and shall be effective upon issuance.

16
17 **FURTHER ENFORCEMENT ACTION**

18 The California Safe Drinking Water Act (SDWA) authorizes the Department to: issue
19 citation with assessment of administrative penalties to a public water system for
20 violation or continued violation of the requirements of the California SDWA or any
21 permit, regulation, permit or order issued or adopted thereunder including, but not
22 limited to, failure to correct a violation identified in a citation or compliance order.

23 The California SDWA also authorizes the Department to take action to suspend or
24 revoke a permit that has been issued to a public water system if the system has
25 violated applicable law or regulations or has failed to comply with an order of the
26 Department; and to petition the superior court to take various enforcement measures
27 against a public water system that has failed to comply with and violates an order of

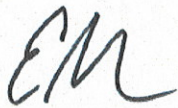
the Department. The Department does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This Order shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Order are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.



Elaine McSpadden, Director
Butte County Environmental Health

August 10, 2017
Date

Attachments:

Attachment 'A' - Applicable Authorities

Attachment 'B' - Public Notification Template

Attachment 'C' - Certification of Completion

CC: Jean Artigue system manager; Culligan of Chico, Certified Operator; Reese Crenshaw, Valley District Engineer- SWRCB Division of Drinking Water

Certified Mail No. 7014 2870 0000 8349 5110

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the Department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.*
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*

- (e) *The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) *If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Section 64423(a)(2), Title 22, of the CCR states in relevant part:

- (2) *The minimum number of samples for nontransient-noncommunity water systems shall be based on the known population served as shown in Table 64423-A during those months when the system is operating. A nontransient-noncommunity water system using groundwater which serves 25-1000 persons may request from the State Board a reduction in monitoring frequency if it has not violated the requirements in this article during the past twelve months. The minimum reduced frequency shall not be less than one sample per quarter.*

Table 64423-A
Minimum Number of Routine Total Coliform Samples

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week

Table 64423-A
Minimum Number of Routine Total Coliform Samples

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week
59,001 to 70,000	21,101 to 25,000	18 per week
70,001 to 83,000	25,001 to 29,600	20 per week
83,001 to 96,000	29,601 to 34,300	23 per week
96,001 to 130,000	34,301 to 46,400	25 per week
130,001 to 220,000	46,401 to 78,600	30 per week
220,001 to 320,000	78,601 to 114,300	38 per week
320,001 to 450,000	114,301 to 160,700	50 per week
450,001 to 600,000	160,701 to 214,300	55 per week
600,001 to 780,000	214,301 to 278,600	60 per week
780,001 to 970,000	278,601 to 346,400	70 per week
970,001 to 1,230,000	346,401 to 439,300	75 per week
1,230,001 to 1,520,000	439,301 to 542,900	85 per week
1,520,001 to 1,850,000	542,901 to 660,700	90 per week
1,850,001 to 2,270,000	660,701 to 810,700	98 per week
2,270,001 to 3,020,000	810,701 to 1,078,600	105 per week
3,020,001 to 3,960,000	1,078,601 to 1,414,300	110 per week
3,960,001 or more	1,414,301 or more	120 per week

Section 64426.1(b), Title 22, of the CCR states in relevant part:

(b) A public water system is in violation of the total coliform maximum contaminant level (MCL) when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

ATTACHMENT A

- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or*
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or,*
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.*

Section 64463.4(c)(2), Title 22, of the CCR states in relevant part:

Unless otherwise directed by the Division in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

- (A) Posting in conspicuous locations throughout the areas served by the water system; and*
- (B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:*
 - 1. Publication in a local newspaper or newsletter distributed to customers:*
 - 2. E-mail message to employees or students:*
 - 3. Posting on the Internet or intranet: or*
 - 4. Direct delivery to each customer.*

Section 141.859(a)(1), Title 40 of the CFR, states in relevant part:

(a) Treatment technique triggers. Systems must conduct assessments in accordance with paragraph (b) of this section after exceeding treatment technique triggers in paragraphs (a)(1) and (a)(2) of this section.

(1) Level 1 treatment technique triggers.

- i. For systems taking 40 or more samples per month, the system exceeds 5.0% total coliform-positive samples for the month.*
- ii. For systems taking fewer than 40 samples per month, the system has two or more total coliform-positive samples in the same month.*
- iii. The system fails to take every required repeat sample after any single total coliform-positive sample.*

(b) Requirements for assessments.

(3) Level 1 assessments. A system must conduct a Level 1 assessment consistent with State requirements if the system exceeds one of the treatment technique triggers in paragraph (a)(1) of this section.

- i. The system must complete a Level 1 assessment as soon as practical after any trigger in paragraph (a)(1) of this section. In the completed assessment form, the system must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective actions not already completed. The assessment form may also note that no sanitary defects were identified. The system must submit the*

completed Level 1 assessment form to the State within 30 days after the system learns that it has exceeded a trigger.

- ii. If the State reviews the completed Level 1 assessment and determines that the assessment is not sufficient (including any proposed timetable for any corrective actions not already completed), the State must consult with the system. If the State requires revisions after consultation, the system must submit a revised assessment form to the State on an agreed-upon schedule not to exceed 30 days from the date of the consultation.*
- iii. Upon completion and submission of the assessment form by the system, the State must determine if the system has identified a likely cause for the Level 1 trigger and, if so, establish that the system has corrected the problem, or has included a schedule acceptable to the State for correcting the problem.*

Instructions for Tier 2 Arsenic MCL Notice Template

Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

system and (2) include a telephone number or address where such individuals may contact the water system for assistance.

If any non-English-speaking group exceeds 1,000 persons served by the water system, but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Corrective Action

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the DDW sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Butte Creek MHP Has Levels of Arsenic Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received for well #6 on 7/11/18 showed arsenic levels of 23.8 micrograms per liter (ug/L). This is above the standard, or maximum contaminant level (MCL), of 10.0 ug/L.

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Butte Creek MHP.

State Water System ID#: 0400049. Date distributed: _____.

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to Butte County Environmental Health (202 Mira Loma Dr. Oroville, CA 95965 or fax to 530-538-5339), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and will result in a formal enforcement action with monetary penalties.

Public Water System Name Butte Creek MHP

Public Water System No. 0400049

Public notification for exceeding the maximum contaminant level for arsenic sample for the month of **3rd Quarter of 2018 in well #6** was performed by the following method(s):

 The notice was mailed to customers. List the date(s) the notice was distributed:

 The notice was posted in conspicuous places to reach non bill paying consumers. List the locations the notice was posted:

 The notice was hand delivered to consumers/customers.

I hereby certify that the above information is factual.

Printed Name

Signature

Date